

Appl. No. 09/940,283

Amdt. Dated November 30, 2005

Reply to Office Action of September 6, 2005

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REMARKS

The following remarks are submitted in response to the Office Action mailed September 6, 2005. Claims 1-13, 15-24, 26-46, 52-56, 58-85, 87-107, 113, 115-145, 147, 149 and 150 are pending in the patent application. Claim 146 has been canceled. Support for the amendment to the claim is found in the specification, claims, and drawings as originally filed. No new matter has been added. Reconsideration, reexamination and allowance of the pending claims are respectfully requested.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 1-13, 15-24, 26-46, 52-56, 58-85, 87-107, 113, 115-142, 145, 147, 149 and 150 are allowed.

Double Patenting

Claim 146 is rejected under 35 U.S.C. §101 as claiming the same invention as that of claim 79 of U.S. Patent No. 6,866,044. Claim 146 has been canceled to obviate this rejection.

Claim 143 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 75 of U.S. Patent No. 6,866,044. Claim 144 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 94 of U.S. Patent No. 6,866,044 in view of Sanchez-Zambrano (5,895,414). Applicants do not concede the correctness of the rejections. However, in the interest of furthering prosecution, Applicants submit herewith a Terminal Disclaimer for U.S. Patent No. 6,866,044.

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Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Gust H. Bardy et al.

By their Attorney,

Date:

November 30, 2005
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